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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,753	09/03/2003	Fern Rickman	FERN1	3664
7590	03/03/2006		EXAMINER	
Fern Rickman 34 June Avenue Bayville, NY 11709			SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/653,753	RICKMAN, FERN
	Examiner Theresa T. Snider	Art Unit 1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 September 0203 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ . 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____ .
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DETAILED ACTION

Specification

1. The use of the trademark ‘VELCRO’ has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

3. Claims 2-3 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 2 further limits an element in the preamble rather than further structurally limits an element that is positively recited in the claims.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 14-16 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. While one of ordinary skill in the art can understand how the element may be attached to a hose, it is unclear as to how one would be able to ‘slidably move it across a surface...and suction hair through the opening of the suction system’. It would seem that the hair would adhere to the hose rather than be suctioned into the suction system.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 17, line 2, it is unclear as to what constitutes ‘a main suction opening’. Is it in addition to the opening of claim 1 or one in the same?

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless ~

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 7-11, 13-14, 16-17 and 19 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lennon.

Lennon discloses a hair extraction element configured to be positioned at least one of adjacent to, and covering at least a portion of, the opening of a suction system (fig. 6, col. 3, lines 31-32).

With respect to claim 2, Lennon discloses the suction system is a vacuum cleaner (col. 3, lines 33-34).

With respect to claim 3, Lennon discloses the element formed of at least one of rubber, plastic, latex, vinyl and neoprene (col. 3, lines 32).

With respect to claim 7, Lennon discloses the element in the shape of a sheet defining at least one orifice (fig. 6, #52).

With respect to claim 8, Lennon discloses the element configured to cover the entire suction opening (fig. 6).

With respect to claim 9, Lennon discloses the element including a connection element (col. 3, lines 34-35).

With respect to claim 10, Lennon discloses the connection element including a clip (col. 3, lines 34-35).

With respect to claim 11, Lennon discloses the element attached to a vacuum tool (fig. 6, #51).

With respect to claims 13 and 16, Lennon discloses the element detachably attachable to the vacuum tool (col. 4, line 1).

With respect to claim 14, Lennon discloses the element mounted to a tool that is inherently attached to a hose of a suction system to allow for operation thereof (fig. 6).

With respect to claim 17, Lennon discloses the element attached directly to a main suction opening of the system (fig. 6).

With respect to claim 19, Lennon discloses the element detachably attachable to the main suction opening (col. 4, line 1).

10. Claims 1-2, 4-6 and 11-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kaffenberger et al..

Kaffenberger et al. discloses a hair extraction element configured to be positioned at least one of adjacent to, and covering at least a portion of, the opening of a suction system (fig. 2, #8, 0008).

With respect to claim 2, Kaffenberger et al. discloses the suction system is a vacuum cleaner (0016).

With respect to claim 4, Kaffenberger et al. discloses the element is in the shape of a strip positioned adjacent to the opening (fig. 2, #8,10).

With respect to claim 5, Kaffenberger et al. discloses the strip detachably positionable adjacent to the opening (0011).

With respect to claim 6, Kaffenberger et al. discloses the strip is positionable adjacent to a leading edge of the opening (fig. 2, #8).

With respect to claim 11, Kaffenberger et al. discloses the element attached to a vacuum tool (fig. 2, #2).

With respect to claims 12-13 and 15-16, Kaffenberger et al. discloses the element being integral or detachably attachable to the vacuum tool and hose (0011).

With respect to claim 14, Kaffenberger et al. discloses the element mounted to a tool that is inherently attached to a hose of a suction system to allow for operation thereof (fig. 1, #4).

11. Claims 1-6 and 11-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rosenfield.

Rosenfield discloses a hair extraction element configured to be positioned at least one of adjacent to, and covering at least a portion of, the opening of a suction system (fig. 4,, #21,20, col. 1, lines 27-33).

With respect to claim 2, Rosenfield discloses the suction system is a vacuum cleaner (col. 1, line 1).

With respect to claim 3, Rosenfield discloses the element formed of at least one of rubber, plastic, latex, vinyl and neoprene (col. 1, lines 49-56).

With respect to claim 4, Rosenfield discloses the element is in the shape of a strip positioned adjacent to the opening (fig. 4, #21,20).

With respect to claim 5, Rosenfield discloses the strip detachably positionable adjacent to the opening (col. 2, lines 62-64).

With respect to claim 6, Rosenfield discloses the strip is positionable adjacent to a leading edge of the opening (fig. 4, #21).

With respect to claim 11, Rosenfield discloses the element attached to a vacuum tool (fig. 1, #11).

With respect to claims 12-13 and 15-16, Rosenfield discloses the element being integral or detachably attachable to the vacuum tool and hose (col. 2, lines 60-64).

With respect to claim 14, Rosenfield discloses the element mounted to a tool that is inherently attached to a hose of a suction system to allow for operation thereof (fig. 1, #12).

With respect to claim 17, Rosenfield discloses the element attached directly to a main suction opening of the system (col. 5, lines 36-41).

With respect to claims 18-19, Rosenfield discloses the element being integral or detachably attachable to the main suction opening (col. 2, lines 60-64).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennon as applied to claims 1 and 17, respectively, above, and further in view of Kaffenberger et al..

Lennon discloses a similar device however fails to disclose the device integral with the tool/opening.

Kaffenberger et al. discloses a hair extraction element that is integral with a tool or opening (0011). It would have been obvious to one of ordinary skill in the art to make the element of Lennon integral with the tool or opening, as disclosed in Kaffenberger et al., to ensure that the element does not accidentally come off during use.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Korsen discloses the use of a hook and loop fastener for attaching an attachment to a suction tool. Asta and Galigan disclose attachments for a suction hose.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Thursday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Theresa T. Snider

Theresa T. Snider
Primary Examiner
Art Unit 1744

3/2/2006